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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 7303 OF 2025

IN

EXECUTION APPLICATION (L) NO. 2072 OF 2025

Kotak Mahindra Bank Ltd. ... Applicant

Versus

Medanta Hospital ... Respondent

WITH

INTERIM APPLICATION NO. 2485 OF 2025

IN

EXECUTION APPLICATION (L) NO. 2072 OF 2025

.....

Ms. Tiksha Modi (through VC) alongwith Ms. Simran Raj instructed by Akhil Modi and Associates, Advocate for the Applicant.
None for the Respondent.

.....

CORAM : ABHAY AHUJA, J.

DATE : 3 DECEMBER 2025

P.C. :

Interim Application No.7303 of 2025 :

1. This matter was kept back in the morning session, as although three weeks' time was given to remove office objections by order dated 16th September 2025, the objections were not removed and registered number was also not obtained and yet the Execution Application is appearing on board on lodging number and an Interim Application No.7303 of 2025 seeking directions of this Court to the register the

Execution Application on an undertaking by the Applicant that they will not press for attachment of assets or properties which are outside the jurisdiction of this Court, is listed on board.

2. This Court had therefore requested for the presence of the Prothonotary & Senior Master.

3. In the afternoon session, when the matter is called out, the learned Prothonotary & Senior Master is present in Court and fairly submits that there appears to be inadvertence on the part of the concerned Clerk is listing the disposed matter. The submission of the learned Prothonotary & Senior Master is accepted.

4. Since the matter is on board today, this Court proceeds to consider the Interim Application No.7303 of 2025 that has been filed on behalf of the Applicant.

5. On merits, the Prothonotary & Senior Master has submitted that on an earlier occasion, the Applicant was seeking attachment of properties which were outside jurisdiction of this Court and the said objection was not complied with.

6. Since technically the Execution Application has been dismissed in view of the order dated 16th September 2025, in view of the above, this Court is inclined to restore the said Execution Application.

7. Further, having heard the learned Counsel appearing for the Applicant and also having considered the submissions made by the learned Prothonotary & Senior Master, this Court is of the view that on the basis of the undertaking in the Interim Application that the Applicant would not seek warrant of attachment of any assets or properties of Respondent which are outside jurisdiction of this Court, the Registry to consider awarding final number to the Execution Application in view of decision of this Court in the case of **Global Asia Venture Company vs. Arup Parimal Deb and others**¹.

8. Let the Registry now award registered number to the Execution Application, subject ofcourse to any other objections that may have been raised in the matter.

9. Let objections be removed within a period of four weeks.

10. The Interim Application No.7303 of 2025 accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)

¹ Judgment dated 26th April 2018 in Commercial Execution Application No.58 of 2017.